

DOCKET NO. ETH-1554

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Shawn Thayer Huxel

Serial No.: 09/851,257 Art Unit: 3738

Filed : May 8, 2001 Examiner: A. J. Stewart

For : **REMOVABLE STENT FOR BODY LUMENS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

Your Petitioner, ETHICON, INC., a corporation of the State of New Jersey, represents that it is the Assignee of the entire right, title, and interest in and to the subject matter disclosed in the above-captioned patent application. ETHICON, INC. is the owner of U.S. Patent Application Serial No. 09/851,257, filed December 22, 1999, as evidence, by the attached copies of documents sent on July 30, 2001 for recording in the United States Patent and Trademark Office.

Your Petitioner, ETHICON, INC. hereby disclaims, under the provisions of 35 USC 253 and 37 CFR 1.321 and 3.73, the terminal part of any patent granted on application Serial No. 09/851,257 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 of any patent granted on United States Patent No 6,338,739. Petitioner, ETHICON, INC. hereby agrees that any patent granted on application Serial No. 09/851,257 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to any patent granted on the Unites States Patent No. 6,338,739, this agreement to run with any patent granted on application Serial No. 09/851,257 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Petitioner, ETHICON, INC., does not disclaim the terminal part of any patent granted on the instant patent application Serial No. 09/851,257 that would extend to the expiration date of the full statutory period as defined in 35 U.S.C. 154 and 173 of any patent granted on the United States Patent No. 6,338,739 in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The Terminal Disclaimer fee set forth in 37 CFR 1.20(d) and any fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/ETH1554/WKW. Three copies of this sheet are enclosed.

Signed at New Brunswick, New Jersey this 16th day of May, 2005.

Respectfully submitted,

ETHICON, INC.

/Matthew S. Goodwin/

Matthew S. Goodwin
Assistant Secretary

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Date: May 16, 2005